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10 Attorneys for Defendants, Counter-Claimants, and Third-Party Plaintiffs  
11 JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

12  
13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA

15 EVANSTON INSURANCE COMPANY, )  
16 )  
Plaintiffs, )  
17 )  
v. )  
18 )  
70 LIMITED PARTNERSHIP, a Nevada L.P.; )  
19 TERTIA DVORCHAK, as Special )  
Administratrix of the Estate of Thomas T. Beam, )  
20 Deceased; JOHN PETER LEE, LTD., a Nevada )  
Professional Corporation; and JOHN PETER )  
21 LEE, an Individual, )  
22 )  
Defendants. )

23 JOHN PETER LEE, LTD. and JOHN PETER )  
LEE, )  
24 )  
Third-Party Plaintiff, )

25 v. )  
26 )  
HARLEY E. HARMON INSURANCE )  
27 AGENCY, INC., )  
28 )  
Third-Party Defendant. )

CASE NO.: 2:14-CV-01370-RFB-NJK

**STIPULATION AND ~~PROPOSED~~  
ORDER, PURSUANT TO LOCAL  
RULE IA 6-1, TO EXTEND OR  
WITHDRAW THE DEADLINE FOR  
FILING A PROPOSED SCHEDULING  
ORDER  
(Fifth Request)**

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe  
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled 70  
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial  
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,  
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned 70  
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County  
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F & C*  
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*  
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*  
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),  
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*  
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-  
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the  
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.  
17 In light of these developments, the parties requested the Court lift the stay. The Court lifted the Stay  
18 effective August 17, 2017, and ordered the parties to file a proposed Scheduling Order by August  
19 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)  
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter  
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the  
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter  
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited  
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter  
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint  
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for  
28 claims related to the *Malpractice* action.



1 In the second half of August of 2017, the parties commenced settlement discussions. The  
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August  
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement  
4 discussions. The Court granted the request and signed the Stipulation. Thereafter, the parties made  
5 a second request that the deadline for filing a proposed Scheduling Order be extended from  
6 September 6, 2017 to September 13, 2017, for the parties to continue their settlement discussions.  
7 The Court granted the request and signed the Stipulation. Moreover, on September 13, 2017, the  
8 parties made a third request that the deadline for filing a proposed Scheduling Order be extended  
9 from September 13, 2017 to September 22, 2017, for the parties to continue their settlement  
10 discussions. Recently, the parties made a Fourth Request that the deadline for filing a proposed  
11 Scheduling Order be extended from September 22, 2017 to October 13, 2017, for the parties to  
12 continue their settlement discussions. The Court granted the request and signed the Stipulation.

13 During the past two months, the parties have continued settlement discussions. Evanston  
14 Insurance Company, on the one hand, and John Peter Lee, LTD., and the Estate of John Peter Lee,  
15 on the other hand, have tentatively settled their claims against each other. The claims asserted by  
16 Evanston Insurance Company against Tertia Dvorchak and 70 Limited Partnership have been  
17 tentatively settled. Until this week, the remaining claim was the claim of John Peter Lee, LTD.,  
18 and the Estate of John Peter Lee, on the other hand, against Harley E. Harmon Insurance Agency,  
19 Inc., on the other hand. This week, the claim of John Peter Lee, LTD., and the Estate of John Peter  
20 Lee, on the other hand, against Harley E. Harmon Insurance Agency, Inc., on the other hand, has  
21 been tentatively settled. The parties are preparing a settlement agreement. Upon the full execution  
22 of one or more settlement agreements, the parties will dismiss the instant lawsuit.

23 The parties hereby stipulate (1) to continue the deadline for filing a proposed Scheduling  
24 Order until November 15, 2017, or, in the alternative, (2) to withdraw the deadline for filing a  
25 proposed Scheduling Order, and agree to provide the Court with a written update on the status of  
26 the dismissal of the action by November 15, 2017, if the entire lawsuit has not been dismissed by  
27 that date.

28 ///

1 DATED: October 13, 2017

YARON & ASSOCIATES

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16 Claimants, and Third-Party Plaintiffs  
17 JOHN PETER LEE, LTD., and ESTATE  
18 OF JOHN PETER LEE

12 DATED: October 13, 2017

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21 EVANSTON INSURANCE COMPANY

20 DATED: October 13, 2017

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28 HARLEY E. HARMON INSURANCE  
AGENCY, INC.

1 DATED: October 13, 2017

WEINBERG, WHEELER, HUDGINS,  
2 GUNN & DIAL, LLC

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4 By: ls\ Jeremy R. Alberts

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16 70 LIMITED PARTNERSHIP and  
17 TERTIA DVORCHAK  
18

19 IT IS SO ORDERED

20  
21   
22 UNITED STATES MAGISTRATE JUDGE  
23

24 DATED: October 16, 2017  
25  
26  
27  
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